

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROBERT THOMAS IRVIN,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:15-cv-00782
)	Judge Trauger
CLARKSVILLE DEPARTMENT OF)	
ELECTRICITY/CDE, ET AL.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On February 12, 2016, the magistrate judge issued a Report and Recommendation (Docket No. 36), to which the *pro se* plaintiff has filed Objections (Docket No. 45). The magistrate judge recommended that the defendants' Motion to Dismiss (Docket No. 19) be granted, which makes this ruling as to a dispositive matter.

When a magistrate judge issues a report and recommendation regarding a dispositive pretrial matter, the district court must review de novo any portion of the report and recommendation to which a specific objection is made. Fed. R. Civ. P. 72(b); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

The plaintiff first complains that there is no defect in service upon the defendants or in this court's personal jurisdiction over the defendants. However, the magistrate judge specifically declined to rule on those issues, asserted by the defendants, because its ruling made those issues irrelevant to the disposition of the pending motion.

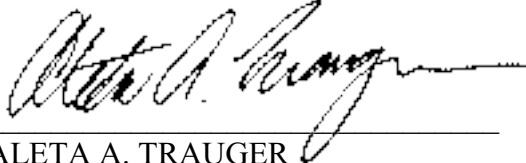
Second, the plaintiff does object to the substantive ruling that the defendants fit within an exemption to the Truth-in-Lending Act and that, therefore, the transactions that the plaintiff

complains about do not give rise to a cause of action. However, his objection simply complains about the unfairness of this exemption and the defendants' treatment of the plaintiff with regard to payment of his electric bill; he makes no argument and gives the court no basis upon which to find that the magistrate judge's ruling was in error. The magistrate judge found that the transactions the plaintiff complains about are exempt from the Truth-in-Lending Act pursuant to 15 U.S.C. § 1603(4) and 12 C.F.R. § 226.3(c) and that, moreover, the civil penalties provided for in that Act are inapplicable to the City of Clarksville pursuant to 15 U.S.C. § 1612(b). These conclusions are correct, and the plaintiff's objections are **OVERRULED**.

The Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that the Motion to Dismiss filed by the defendants (Docket No. 19) is **GRANTED**, and this case is **DISMISSED** with prejudice. This order constitutes the judgment in this case.

It is so **ORDERED**.

ENTER this 24th day of February 2016.



Aleta A. TRAUGER
U.S. District Judge